

RESPONSE

Serial Number: 10/059771

Filing Date: January 28, 2002

Title: CARDIAC RHYTHM MANAGEMENT SYSTEM AND METHOD

Page 2

Dkt: 279.244US2

REMARKS

Claims 38 – 61 remain pending in this application.

Double Patenting Rejection

Claims 43 and 44 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 37 of U.S. Patent No. 6,363,281.

A Terminal Disclaimer in compliance with 37 CFR 1.321(c) is enclosed herewith to overcome these rejections. Applicant generally traverses the statements concerning the present claims relative to U.S. Patent No. 6,363,281. However, no further comment is deemed necessary in light of the Terminal Disclaimer.

§103 Rejection of the Claims

Claims 43 and 44 were rejected under 35 USC § 103(a) as being unpatentable over Sloman (U.S. Patent No. 6,101,416).

Claim 43

Applicant respectfully traverses the rejection and submits that Sloman does not disclose the recited subject matter. For example, Applicant is unable to find, among other things, that Sloman provides the sense amplifier circuit having the input coupled to one of the first electrode and the second electrode through the first switch, as recited in claim 43.

The Office Action makes the following assertion:

Further, to use a switch to connect at least one of the electrodes to the sense amplifier is considered to have been obvious since the electrodes are connected to both pulse generators and amplifiers and therefore need to be switched from one to the other depending on whether stimulation or sensing is performed with the electrodes.

Applicant respectfully traverses the assertion. The assertion apparently alleges “the electrodes” that can be connected to one of the “pulse generators and amplifiers” using the switch. In contrast, Claim 43 recites, among other things, a “sense amplifier circuit having an input ... coupled to one of the first electrode and a second electrode through the first switch,” i.e., an amplifier that can be connected to one of the two electrodes using the switch. Therefore,

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Page 3

Dkt: 279.244US2

Applicant respectfully submits that the above assertion is not a proper basis for the obviousness rejection.

Reconsideration and allowance of claim 43 are respectfully requested.

Claim 44

Applicant respectfully traverses the rejection of claim 44. Claim 44 is dependent on claim 43. Thus, the discussion above for claim 43 is incorporated herein to support the patentability of claim 44.

Reconsideration and allowance of claim 44 are respectfully requested.

Allowable Subject Matter

Applicant acknowledges the allowance of claims 38 – 42 and 48 – 61.

Claims 45 – 47 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant believes that the objections are overcome by the foregoing discussions.

Reconsideration and allowance of claims 45 – 57 are respectfully requested.

RESPONSE

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Page 4

Dkt: 279.244US2

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney ((612) 373-6912) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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By their Representatives,

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Date Oct. 14, 2003

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 14 day of October, 2003.

GREG HANSON
Name

Greg Hanson
Signature